

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	21-CR-754 (VEC)
	:	
CARLOS HERNANDEZ ACOSTA,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on January 23, 2023, Carlos Hernandez Acosta (“Defendant”) was sentenced principally to a term of imprisonment of 36 months, *see* Judgment, Dkt. 55;

WHEREAS on January 23, 2024, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 79, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on February 20, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction because, even though Amendment 821 reduced his guideline range, the original sentence was below even the low end of the amended guideline range, *see* Probation Report, Dkt. 81; and

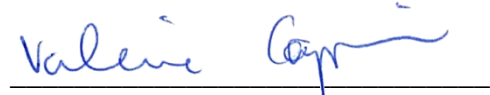
WHEREAS the Court has considered the record in this case;

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because Defendant’s sentence of 36 months is below the amended guideline range. Defendant’s motion is therefore DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 79, to mail a copy of this Order to Mr. Hernandez Acosta, and to note the mailing on the docket.

SO ORDERED.

Dated: February 20, 2024
New York, NY



VALERIE CAPRONI
United States District Judge